

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Implementing a Nationwide, Broadband,) PS Docket No. 06-229
Interoperable Public Safety Network in the 700)
MHz Band)

To: Chief, Public Safety and Homeland Security Bureau

**DISTRICT OF COLUMBIA REQUEST FOR WAIVER OF DEADLINE TO
SUBMIT LEASE ADMINISTRATION FEE**

The Commission's *Waiver Order*,¹ requires the District of Columbia ("District") and other recipients of conditional waivers to pay a lease administration fee to the Public Safety Spectrum Trust ("PSST"). The District is in the process of effectuating that payment, but due to unforeseen administrative delays it will be unable to make the payment by the November 1, 2010 due date. Accordingly, the District requests a waiver such that its payment of the fee within 45 days of November 1 (*i.e.* by December 15, 2010) be considered timely under FCC rules and the District's lease with the PSST.

Under Section 1.925 of the Commission's rules, the Commission can grant a rule waiver if:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and a grant of the requested waiver would be in the public interest; or
- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable,

¹ *In the Matter of Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks*, PS Docket No. 06-229, FCC 10-79 (May 12, 2010) ("*Waiver Order*"), ¶¶ 29-33.

unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.²

The circumstances presented here qualify the instant request for a waiver under either of the rule's two standards:

Waiver Standard 1 (Purpose and Public Interest): The goal of deploying broadband to protect the public health and safety will be frustrated if the District is not enabled permitted to carry on its work to design and deploy an LTE network under the waiver. The relief requested here would further the public interest goals that the Commission has taken pains to promote in its recent public safety communications proceedings.

Waiver Standard 2 (Equities, Burdens or Public Interest): A minor delay in the submission of the required fee is vastly outweighed by the benefits the District's public safety LTE network will provide to the public. In addition, consistent with controlling administrative financial requirements, the District has no alternative—if the payment could be made by November 1, 2010, it would be. The payment is already in process.

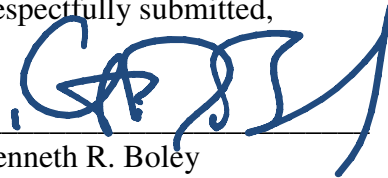
For the foregoing reasons, the District of Columbia urges the Bureau to grant a waiver of its rules to ensure that the District's lease administration fee to the PSST is considered

² 47 C.F.R. §1.925.

timely for purposes of both the Commission's rules and the District's lease with the PSST.

Respectfully submitted,

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